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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,181	08/22/2006	Noriyoshi Sonetaka	04880015AA	3530

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EXAMINER
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WRIGHT, BRYAN F

ART UNIT	PAPER NUMBER
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2431

MAIL DATE	DELIVERY MODE
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08/11/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/590,181	<b>Applicant(s)</b> SONETAKA, NORIYOSHI	
	<b>Examiner</b> BRYAN WRIGHT	<b>Art Unit</b> 2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 22-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/26/2010, 7/30/2010</u> .                                    | 6) <input type="checkbox"/> Other: _____                          |

### **FINAL ACTION**

1. This action is in response to amendment filed 6/1/2010. Claims 1-21 are cancelled.  
Claims 22-24 are new. Claims 22-24 are pending.

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The Examiner contends that applicant's newly added subject matter of "computer readable medium" lacks antecedent basis in applicant's original disclosure.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant's claim limitation element of; " a corresponding data transmitting device for transmitting the corresponding data generated in the corresponding data generating device to the address data which is related to the identification data by extracting the address data for the address data storing device",

specifically the phrase of: “a corresponding data transmitting device for transmitting the corresponding data generated in the corresponding data generating device to the address data...” can not be properly understood in the context of the presently claimed invention.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 24 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Currently, claim 24 is drawn to a medium. The term “medium” however under the broadest interpretation includes a transitory signal for which the office considers to be non-statutory subject matter. As such the applicant is advised to include either in the claim language or in the specification subject matter reciting that the medium does not include a signal.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Power (WO 02/084456 (cited from IDS)) in view of Kitamura (EP 1217536 (cited from IDS) and further in view of Otsuka (US Patent No. 5,670,950).

4. As to claims 22-24, Powers teaches a user authentication system comprising:

an address data storing device for storing address data of a portable terminal owned by a user in advance by relating it to identification data peculiar to the user for identifying the user (i.e., ...teaches storing user profile data use to verify the user identity [page. 6, lines 10-20]);

an input device for receiving an input of the identification data from the user (i.e., ...teaches a mobile device used by a user to input information in [page. 5, lines 25-30; page 6, lines 1-6]);

a corresponding data generating device for generating and storing corresponding data which corresponds to the inputted identification data (i.e., ..teaches an apparatus that stores a user profile. The user profile contains data that corresponds to inputted data the user inputs through the mobile device [page 5, lines 15-25; fig. 1]);

a collation device for collating to check (i.e., ...teaches server checking received identification data [page 8, lines 5-8]),

when the corresponding data is inputted by the user through the input device (i.e., ..teaches a user using a mobile device to input user verification data [page 6, lines 1-6]), whether or not the corresponding data is consistent with the corresponding data which has been generated and stored by the corresponding data generating device (i.e.,

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...teaches a server using stored generated profile data to compare with the received verification data supplied by the user through the mobile terminal [page. 6, lines 10-15]);

and obtains (e.g., retrieve), from the storing and based on the identification data peculiar to the user inputted by the user (i.e., ...teaches a obtaining information related to the inputted data entered by the user at the mobile device [page 6, lines 10-15; page 8, lines 5-10]),

positional information (e.g., communication information/phone number) of one of the user operation devices (e.g., mobile device) to which the user inputs the identification data (i.e., ...teaches the profile data contains information that will determine communication to a specific user [page 8, lines 8-15]),

Power does not expressly teach:

a data managing server which stores in advance location of all user operation devices accessed by the portable terminal. However at the time of applicant's original filing, prior art reference Kitamura disclosed storing in an advance access location (e.g. portal sites) corresponding to a particular portable device. See Kitamura paragraph 38. Therefore to enhance the access security capability of Powers, a person with ordinary skill in the art would have modified the capabilities of Power's user verification system with the capability to store "allowed access locations" that correspond with a particular portable device as described above by Kitamura.

Power does not expressly teach:

a corresponding data transmitting device for transmitting the corresponding data generated in the corresponding data generating device to the address data which is related to the identification data by extracting the address data for the address data storing device. However at the time of applicant's original filing, prior art reference Kitamura disclosed reading out address information corresponding to particular terminal identification information from system storage means. See Kitamura paragraph 44. Therefore to enhance the access control capability of Power, a person with ordinary skill in the art would have modified the capabilities of Power's user verification system with the capability to readout stored correspondence information for the purpose of access control as described above by Kitamura.

The system of Power and Kitamura does not expressly teach:

positional information of the portable terminal which is a target of transmitting the corresponding data at a point where the identification data is inputted to the user operation device by the user, and performing user identification based on both of the positional information. However at the time of applicant's original filing, prior art reference Otsuka disclosed a method of authenticating a portable device having requested mobile communication using location data of said portable device. Additionally, Otsuka disclosed using authentication data associated with the portable device user (e.g., subscriber) as part of the authentication process. See Otsuka column 8, lines 25-30. Therefore to enhance the authentication capability of Powers and Kitamura combined, a person with ordinary skill in the art would have recognized the

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advantage of modifying the teachings of both Power and Kitamura with the capability provided by Otsuka as described above to allow for the capability to authenticate a user based on a portable device's location.

### ***Response to Arguments***

Applicant's arguments with respect to claims 22-24 have been considered but are moot in view of the new ground(s) of rejection.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRYAN WRIGHT whose telephone number is (571)270-3826. The examiner can normally be reached on 8:30 am - 5:30 pm Monday -Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRYAN WRIGHT/  
Examiner, Art Unit 2431

/William R. Korzuch/  
Supervisory Patent Examiner, Art Unit 2431